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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,074	10/10/2003	Susumu Takemura	INTLP0108US	9483
43076	7590	12/13/2007		
MARK D. SARALINO (GENERAL)			EXAMINER	
RENNER, OTTO, BOISSELLE & SKLAR, LLP			JEAN, FRANTZ B	
1621 EUCLID AVENUE, NINETEENTH FLOOR				
CLEVELAND, OH 44115-2191			ART UNIT	PAPER NUMBER
			2154	
			MAIL DATE	DELIVERY MODE
			12/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/682,074

Applicant(s)

TAKEMURA ET AL.

Examiner

Frantz B. Jean

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 7-9 is/are allowed.
- 6) ☒ Claim(s) 1,3-6,10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

This office action is in response to applicant's arguments filed on 09/27/07. Claims 1, 3-10, and 12 are still pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Heinonen et al. (Hereinafter Heinonen) US patent Number 7,009,956 B2. As per claims 1, 10 and 12, Heinonen teaches a serve (34, fig 3-4) client system (23, fig 3-4) comprising: a server 34 and a client 23 connected to said server, said server including a port number transmitter transmitting, on a first port number, a second port number and identification information having a first value or a second value to said client (see col 8 lines 37-46; different port numbers are assigned different values, which are used in the identification of terminal device), and said client including a communicator communicating with said server on the second port number transmitted from said server when said identification information transmitted from said server has the first value, and on a predetermined third port number when said identification information has the second value (Heinonen discussed

three different ports, which are used or selected for different services; they can be swapped at any time see col. 8 lines 33-58; for instance, port number 80 is reserved for HTTP services; port number 1024 to 49151 are registered ports freely usable by application; and port number 0 to 1023 are reserved for privileged services).

As per claim 3, Heinonen teaches all the limitations as recited in claim 3 (see claim 1 rejection). Furthermore, Heinonen discloses a client that further includes a rewriter rewriting the port number stored in said port number storage into the port number transmitted from said server (see col. 9 lines 1-6, 44-49; col. 10 lines 49-65).

As per claim 4, Heinonen teaches the server client system according to claim 3, wherein said transmitter transmitting another port number on the port number on which said client communicated with said server, and said client further includes another communicator communicating with said server on the another port number transmitted from said server (see fig 3-4; col. 9 lines 7-49).

As per claim 5, Heinonen teaches a server client system comprising: a server (34) and a client (23) connected to said server, said server including a waiter selecting a port number available among a plurality of port numbers and waiting for the communication from said client on the selected port number (col. 9 lines 7-26), said client includes including a communicator selecting a port number to be used among said plurality of port numbers and communicating with said server on the selected port number (col. 8

lines 37-58; col. 9 lines 7-26), said server further including a responder responding to said client when receiving the communication from said client; and said client further including a changer changing (replacing) said port number to be used when receiving no response from said server (col. 10 lines 24-48 and 49-65).

As per claim 6, Heinonen teaches the server client system according to claim 5, wherein said server further includes a transmitter transmitting another port number on the selected port number, and said client further includes another communicator communicating with said server on the another port number transmitted from said server (see fig 3-4; col. 10 lines 24-40 and 49-65).

Claims 7-9 are allowed. The prior art of record fails to teach the limitations of claim 7 as a whole. Especially, the steps beginning from guidance master application program further including the step of comparing said informed update date and time ...newer than the update date and time managed by said client application program.

Response to Arguments

Applicant's arguments filed on 09/27/07 have been fully considered but they are not persuasive.

Applicant argued that Heinonen fails to teach port number transmitter and/or communicator; changing a port number to be used when receiving no response from server and waiter waiting for communication from the client on a port number being used at the present and a port number used in the past.

Examiner submits that applicant has misinterpreted the prior art of record.

Heinonen teaches all the limitations of the invention as claimed. Specially, Heinonen discloses port number transmitter and/or communicator; changing a port number to be used when receiving no response from server and waiter waiting for communication from the client on a port number being used at the present and a port number used in the past. (see col. 8 lines 33-58; col. 10 lines 49-65; col. 3 lines 22-42).

Accordingly, the rejection is maintained

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Application/Control Number:
10/682,074
Art Unit: 2154

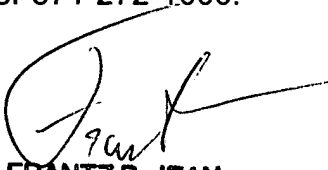
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Frantz Jean



FRANTZ B. JEAN
PRIMARY EXAMINER